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UNCLAS SECTION 01 OF 03 KIEV 000481

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: [PGOV](#)

SUBJECT: UKRAINE: THIRD ELECTION ROUNDTABLE

REF: A. 05 KIEV 5137

[B](#). 05 KIEV 4892

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[1](#)1. (SBU) Summary: At an Ambassador-hosted roundtable discussion January 25, NGO representatives felt that the recent gas and government crises could hurt ex-PM Tymoshenko in the elections. One observer expressed doubt that a Rada majority coalition would be formed after the March 26 elections, possibly leading to new elections. The NGO reps opined that, while there would be no centrally organized electoral fraud, there might be some abuse of administrative resources by local politicians. They noted that procedural problems stemming from recent changes to the election law could open a route for legal challenges to the validity of the elections. The NGO representatives observed that holding the parliamentary and local elections at the same time would create confusion and could potentially lead to violations of election law. End summary.

[1](#)2. (SBU) In preparation for the March 26 parliamentary and local elections, Ambassador hosted the third in a series of roundtable discussions with NGO representatives January 25. Ambassador observed that the upcoming elections were every bit as important as the 2004 Presidential election, and stated that while they probably would not be as problematic as in 2004, there were still many problems, particularly at the local level. Ambassador noted that there would be another large international observer effort this year, as during the 2004 Presidential election.

#### Impact of Gas Crisis and Government Crisis

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[1](#)3. (SBU) Discussion started with a review of the impact of the gas crisis and the Rada dismissal of the government on the parliamentary election. Ilko Kucheriv of the Democratic Initiatives Foundation summarized his organization's predictions on post-election composition of the Rada. Kucheriv predicted 6-7 parties would be in the Rada, with ex-Prime Minister Yanukovych's Party of the Regions garnering the most seats, followed by President Yushchenko's Peoples Union Our Ukraine (OU) and the Yuliya Tymoshenko Bloc (BYuT), followed by the Socialists, Communists, Lytvyn's bloc, and possibly Natalia Vitrenko's hard-left Progressive Socialist Party. Kucheriv opined that neither Regions nor Yushchenko and Tymoshenko combined would have a majority in the Rada, leading to a period of instability after the elections. Kucheriv noted that the President could dissolve the Parliament and call new elections if a majority coalition could not be formed.

[1](#)4. (SBU) On the impact of the Rada vote to dismiss the government, while Kucheriv did not have any polling data since the dismissal vote, he thought Tymoshenko stood to lose the most because her supporters might switch their support to Yushchenko. Yuliya Tyshchenko from the Ukrainian Center for Independent Political Research thought that the government crisis could increase disillusionment with politics in general and the Rada specifically. Tyshchenko thought that Tymoshenko could lose a lot of support to Yushchenko due to the crisis and that it brought into question whether a reunification of the Orange team was possible. Roman Koshoviy from the Lviv branch of the Committee of Voters of Ukraine disagreed, saying he thought Tymoshenko supporters would be unlikely to switch their votes to Yushchenko because they were generally more radical in their support for Tymoshenko.

#### Electoral Law Violations and Administrative Resources

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[1](#)5. (SBU) Ambassador commented about the importance of monitoring violations in the electoral campaign and on election day. Oleksandr Chernenko of the Committee of Voters of Ukraine said that most electoral law violations and uses of administrative resources were the initiative of local authorities, without orders from the center. Chernenko noted some problems in the formation of District Election Committees (DECs), namely that some DECs were formed before and some after the December 20 Presidential signing of amendments to the election law, resulting in DECs formed

under different legal environments. Before December 20, an unlimited number of party representatives could serve on the DEC, chosen by the local council, whereas after December 20 the number was limited to 15 party representatives chosen by a lottery.

16. (SBU) Roman Koshovy of the Lviv CVU said this trend was also present in Lviv, with one DEC having 22 members and no intention of disbanding and re-forming in conformity with the revised election law. According to Chernenko, this disparity provided a vehicle for legal challenges to the validity of the vote. Chernenko noted that many people implicated in electoral violations in the past had been appearing on electoral commissions for the Parliamentary election, offering the example of an alleged vote-rigger who was appointed to a DEC in Uman, but was ultimately forced to resign when the CVU publicized her record. (Note: DEC's are the election commissions to which polling station commissions (PSCs) report in the parliamentary election, the role filled by Territorial Election Commissions (TECs) in the 2004 Presidential elections. In the March 26 elections, TECs will be separate organizations with a supervisory role over polling station commissions for the local elections.)

#### Party List Transparency

17. (SBU) On the subject of party lists, Tetyana Boyko of Pora! (i.e., Black Pora, the NGO, not the Yellow Pora political party) indicated that some parties were trying to keep from publicizing their party lists, particularly at the local level, because allegedly corrupt individuals appeared on their lists. Boyko stated that a lot of former SDPU(o) and Lytvyn bloc members were showing up on the OU list in Lviv and Lviv Oblast, including many who had put pressure on Pora! during the 2004 Presidential campaign and Orange Revolution. Roman Koshovy from the Lviv CVU cited instances of regional "splittism," where erstwhile coalition partners split and ran independently on the local level due to disputes over the composition of their electoral list.

#### Media Environment

18. (SBU) Oleksandr Chekmyshev of the Common Space Association/Equal Access Committee noted that the main television channels were much more balanced in their reportage than during the 2004 Presidential campaign. Chekmyshev noted that NTN and Ukraina still showed some Yanukovych sympathies, while TV1, 11 and Inter lean toward OU. Regionally, Chekmyshev noted that media in the Donbas region were still vulnerable to administrative resources use by Regions. Chekmyshev said that the state-controlled media in Donbas tended to support Yanukovych because they were bankrolled by local politicians and business interests that supported Yanukovych. Chekmyshev noted the increasing volume of negative advertising, particularly aimed at the Orange camp. When queried by Ambassador about whether this was an issue of journalists being forced to say things or a case of partisan mudslinging, Chekmyshev confirmed that it was not administrative resources, just dirty politics.

#### Training of Election Commissions

19. (SBU) Chernenko from the CVU reported that CVU training projects for election commission members were proceeding apace, with 100 trainings already conducted and 100 more planned. Chernenko noted that, while the trainees were enthusiastic, the quality of the election commission members could be better. Chernenko also noted that the government was not effective in coordinating the training of election commission members, sometimes not allocating rooms for training, and not budgeting enough money for training expenses. Chernenko estimated that 70-80 percent of election commission members would have received training by election day. Tyshchenko from the Ukrainian Center for Independent Political Research indicated that they were holding 144 seminars in four regions of the country. Tyshchenko said her organization had experienced some isolated problems, particularly with Regions not wanting to send its Donetsk and Luhansk commission members for training.

#### Holding Local and Parliamentary Elections Simultaneously

10. (SBU) Lviv CVU representative Koshovy said that CVU lawyers had conducted an analysis of the Local and Parliamentary election laws and determined that the result would be "unpredictable" elections. According to Koshovy, polling stations would have to count the parliamentary election votes first, then package up the ballots and send them to the DEC. The only way to maintain the integrity of this process would be to have a second ballot box for the local election, but this would cause confusion and might be technically illegal, according to Koshovy. Chernenko from

the CVU indicated that Yushchenko would likely sign amendments to both the local and parliamentary election laws extending both their voting hours from 7 am to 10 pm. (Note: Yushchenko signed these amendments January 31.)

11. (U) Visit Embassy Kiev's classified website:  
[www.state.sgov.gov/p/eur/kiev](http://www.state.sgov.gov/p/eur/kiev).  
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